


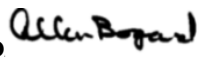




CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	11-02-10	AGENDA REQUEST NO:	V-A
INITIATED BY:	DALE RUDICK, PE	RESPONSIBLE DEPARTMENT:	INTERGOVERNMENTAL RELATIONS
PRESENTED BY:	DALE RUDICK, PE	DEPARTMENT HEAD:	DALE RUDICK, DIRECTOR OF INTERGOVERNMENTAL RELATIONS 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	2011 STATE LEGISLATIVE AGENDA		
EXHIBITS:	RESOLUTION NO. 10-50 AND EXHIBIT A		
CLEARANCES		APPROVAL	
LEGAL:	AARON DOBBS, ASSISTANT CITY ATTORNEY 	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	KAREN GLYNN 
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD 
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve amended 2011 State Legislative Agenda by Resolution No. 10-50.			

EXECUTIVE SUMMARY

On April 6, 2010, City Council approved Resolution No. 10-15 adopting a State Legislative Agenda for the Legislative Session that is to begin in January 2011. The Legislative Agenda was approved in advance of the Session for the primary purpose of providing unified direction from Council so that our elected leaders and staff could adequately prepare for our pro-active and more time consuming legislative items.

The purpose of a Legislative Agenda is to provide full City Council direction to each of our elected leaders and staff in what needs to be monitored during the Session and how to respond to proposed legislation that could impact the City. The State legislative process is a very dynamic process and therefore, it does not preclude Council from editing or amending the stated positions in the future as necessary.

Resolution No. 10-50 (attached) is unchanged from the resolution approved last April. It is Exhibit A that is attached to the resolution that is being proposed with some modifications which is detailed below. The resolution continues to include language directed to our elected state leaders so that they may work in concert with the City to the benefit of our residents. The City is the level of government closest to the people. The City provides basic and life saving services without the benefit of a revenue stream from the State. Therefore, it is imperative that the state legislators not impair Council's ability to govern in a responsive and responsible manner, so that the constituents of both city and state government may continue to be provided basic services that help to maintain a community and its quality of life.

In final preparation for the upcoming session in our State Capitol, it is time to amend the Legislative Agenda with additional position statements listed on Exhibit A. All of the position statements listed on Exhibit A from last April's resolution will remain the same; however, there are four (4) new position statements being recommended to add to Exhibit A. The subject matter of these new position statements are related to public advertising, property tax refunds, Texas Municipal Retirement System and a general statement to afford the City to endorse positive legislation when the occasion presents itself. These areas of interest have come up since the initial resolution was approved.

The four position statements recommended to add to Exhibit A of the 2011 State Legislative Agenda are listed below with the proposed position statements written in *italics*. These four proposed position statement additions were reviewed on October 12, 2010 by City Council's IGR Committee and are recommended for consideration by the full Council.

- 1) *"Support legislation that would enable the use of electronic notice to the public of bid or proposal opportunities."*

This change, if approved by the legislature, would allow the City to take advantage of the internet for advertising vs. paying a more expensive hard print advertising cost. This measure has been attempted in prior sessions by others; however, it has not been approved. This stated position, if successful, would not eliminate all newspaper advertising as is currently required by law but it would at least begin changing the current process that is both expensive and not the most effective way of advertising with today's technology.

- 2) *"Support legislation that would change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month Treasury bill, as referenced in other portions of that section, as of the date of settlement."*

This change is aimed at eliminating the required 8% annual interest rate when property value lawsuits are settled. The City does not have a say in the legal proceedings when a property owner files a lawsuit opposing the Appraisal District's stated value of the property. However, upon settlement of the lawsuit, the City must pay any refund at an annual rate of 8% as of the date of settlement. This rate stated in the State statute appears to have originated in the 1980's and is inconsistent with market rates and other Texas Tax Code refund rates (non-lawsuit related) reference the 3-month treasury bill. As of late, there have been a large number of suits filed against the Appraisal District and they typically take one to three years to settle.

- 3) *“Support legislation that would merge the various TMRS funds into one fund as being recommended by the TMRS Board of Directors.”*

This recommendation will allow the TMRS Board to better diversify retirement investments and make them less susceptible to the swings of any one particular market.

- 4) *“Support legislation that is beneficial to the City's interest.”*

This statement provides Council direction that allows the City to be responsive to good legislation. In the past we have had the direction needed on a number of subjects that are being considered by the legislature. However, this proposed amendment allows the City to be poised to respond accordingly when the legislature does propose legislation that could benefit the City and is not covered by any of our other position statements. An example from the last Session was that there were a couple of bills filed that would have provided additional liability protection if cities wanted to use utility company property, rights-of-way or easements for recreational purposes such as trails, sports fields, open space, etc. With this proposed position statement in place, the City would be able to endorse such legislation.

Staff recommends approval of the amended resolution.

RESOLUTION NO. 10-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 82nd SESSION OF THE TEXAS LEGISLATURE.

WHEREAS, local government is the most direct and frequent point of contact with its residents; and

WHEREAS, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

WHEREAS, local government is responsible for providing basic and emergency services; and

WHEREAS, local governments are the first responders in local emergencies; and

WHEREAS, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

WHEREAS, local government officials are elected by the residents they represent to provide a wide array of services; and

WHEREAS, state representatives and senators are charged with working in the best interest of the citizens they represent; and

WHEREAS, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

Section 2. That it directs the City Manager and his staff to:

- a. Take all necessary actions to inform Sugar Land residents of the City's legislative agenda;
- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

Section 3. That it believes it is incumbent of all legislators to work in consort with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

Section 4. That it expects elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

Section 5. That it believes the state legislative body should not exempt its members any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

Section 6. That it adopts the 2011 Legislative Agenda as shown on Exhibit A, attached to and incorporated into this resolution by reference.

Section 7. That Resolution No. 10-15 is repealed.

APPROVED on _____, 2010.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



Attachment: Exhibit A- 2011 Legislative Agenda

EXHIBIT A

CITY OF SUGAR LAND 2011 LEGISLATIVE AGENDA Position Statements

Un-Funded Mandates

1. *Oppose legislation that would require expenditures by the City without a source of revenue provided by the State.*
2. *Oppose legislation that would impose a presumption that first responders incurred illnesses or injuries in the line of duty.*

Municipal Powers

1. *Oppose legislation that erodes the authority of city government or is detrimental to cities.*
2. *Support legislation that is beneficial to the City's interest.*

Municipal Revenue

1. *Oppose changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue.*
2. *Support simplifying the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves.*
3. *Support legislation that accurately notifies and explains to taxpayers the actual impacts of the effective tax rate while deleting parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process*
4. *Support legislation that would change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month Treasury bill, as referenced in other portions of that section, as of the date of settlement.*

Collective Bargaining

1. *Oppose legislation that would impose expanded collective bargaining rights.*
2. *Oppose legislation that would expand the current meet and confer law.*

Land-Use Regulation and Annexation

1. *Oppose legislation that would restrict the zoning authority of cities.*
2. *Monitor the creation, or modification of special districts within the City and its ETJ, and support or oppose them as necessary.*
3. *Oppose legislation that erodes the authority of cities to annex.*

Economic Development

1. *Oppose attempts to restrict the ability of cities to use 4A and 4B funds.*
2. *Support the ability of cities to hold a single election to eliminate one special use tax and to adopt another.*
3. *Oppose attempts to restrict the use of economic development tools such as tax abatement, tax increment reinvestment zones and Chapter 380 agreements.*

Transportation

1. *Support state-funded and local-option funding choices to be utilized for transportation purposes.*

2. *Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.*
3. *Support funding of the voter-approved Texas Rail Relocation & Improvement Fund.*

Right-of-Way and Utilities

1. *Oppose legislation that would negatively impact the City's authority over its right-of-way.*
2. *Oppose legislation that would limit the current ability of the City to receive fair market compensation for use of its public rights-of-way.*
3. *Support resolution of dispute between the Texas Department of Transportation and investor-owned utilities relative to the national code under which street lighting in State right-of way is installed.*
4. *Oppose legislation that would impose on cities: mandatory water conservation measures; "tap fees" or other types of state charge on municipal water systems; or any other onerous regulations as it relates to utilities provided by a city.*
5. *Seek legislation for the dissolution of Fort Bend County Water Control & Improvement District No. 1 provided that the City receives the District's water rights and the City retains ownership of the District's real property and facilities previously conveyed by the District to the City.*
6. *Seek legislation that provides the City and other customers from non-represented counties with full voting member representation on the Gulf Coast Water Authority Board of Directors.*

Open Meetings/Open Records

1. *Oppose any attempt that would make the current open meetings and public information laws more restrictive and ambiguous.*
2. *Support uniform application of the public information and open meetings laws at every level of government including State legislative and executive branches.*
3. *Support clarifications to public information and open meetings laws so that elected officials, including State legislative & executive officials, can better communicate with their constituents.*
4. *Support an amendment to the Texas Open Meetings Act replacing the criminal enforcement provisions with less restrictive penalties that balance the First Amendment rights of governmental officials.*

Homeowners Associations (HOA)

Support the authority and role of Homeowners Associations and to oppose limitation of functions HOA's were created to perform.

Public Advertising

Support legislation that would enable the use of electronic notice to the public of bid or proposal opportunities.

Texas Municipal Retirement System

Support legislation that would merge the various TMRS funds into one fund as being recommended by the TMRS Board of Directors.

Prison Property Acquisition

Seek legislation to encourage the relocation of the Central Prison Unit into another TDCJ prison location, find sponsors for the bill and seek its passage for the ultimate acquisition of a portion of the property for the Sugar Land Regional Airport with the balance of land to be owned and developed in partnership with the development community as a Business Park.